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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,069	01/20/2004	Peggy Hasan	1-31	2001

7590 04/24/2007
Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

TYLER, NATHAN K

ART UNIT	PAPER NUMBER
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2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/761,069

Applicant(s)

HASAN ET AL.

Examiner

Nathan K. Tyler

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 3, 4, 7, 8, 9, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nawrocki (US 6256116 B1).

Regarding **claims 1 and 7**, Nawrocki discloses a method comprising the steps of: receiving a call request from an originating device (in reference to Fig. 1: “When the facsimile device 160 attempts to transmit facsimile data to the telephone station 150, the call is routed ... to the facsimile blocking device 120” at column 2, line 30); determining whether the call request is a fax call request, the fax call request defining a request for fax transmission to a called party device (“The facsimile blocking device 120 recognizes the facsimile signal using any known facsimile signal recognition device” at column 2, line 34); determining an eligibility of the called party device to receive the fax transmission (“Once the facsimile signal is recognized, the facsimile blocking device 120 checks the database 130 to determine if the called party is a subscriber” at column 2, line 37); and if the called party device is determined not to be eligible to

Art Unit: 2609

receive the fax transmission, blocking the fax call request thereby causing the called party device not to receive the fax transmission (“If the called party is a subscriber, the facsimile blocking device 120 blocks the call.” At column 2, line 39).

Regarding **claim 2 and 8**, Nawrocki discloses the step of blocking the fax call request is accomplished prior to ringing of the called party device (See Fig. 5, the called party is checked for eligibility at step S530 before the call is “put through.” Therefore the call is blocked at step S540 without ringing the called party device).

Regarding **claim 3 and 9**, Nawrocki discloses if the called party device is determined not to be eligible to receive the fax transmission, sending an error message to the originating fax device (“the control unit 210 may perform optional features, such as contacting the facsimile device 160 to notify the facsimile device or the facsimile device operator that the facsimile device 160 is attempting to contact a telephone station 150, and not the facsimile device desired” at column 3, line 10).

Regarding **claim 4 and 10**, Nawrocki discloses if the called party device is determined to be eligible to receive the fax transmission, completing the fax call request, thereby enabling the called party device to receive the fax transmission (see Fig. 5, if the called party is eligible, the call is “Put Through” at S550).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Nawrocki and Catron et al (US 5018191 A).

Regarding claims 5, 6, and 11, Nawrocki discloses a method for determining the eligibility of a called party device to receive a fax transmission by consulting a database to determine if the called directory number is a voice number. Nawrocki does not disclose consulting a database of directory numbers to determine if the directory number of the called party device corresponds to a fax device, a positive determination of eligibility being made if the directory number of the called party device corresponds to a fax device.

Catron discloses a method for facsimile call processing comprising consulting a database of directory numbers to determine if the directory number of the called party device corresponds to a fax device, a positive determination of eligibility being made if the directory number of the called party device corresponds to a fax device (with reference to Fig. 3: "The entries 253, 254, 255 may be either voice or fax numbers. Fax numbers are recognized because the corresponding fax entry, 263, 264, 265 matches the voice or fax number. In the example, a match is found

Art Unit: 2609

between entries 255 and 265, indicating that the directory number 255 is a number of a fax machine” at column 6, line 6).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to add database entries to the database taught by Nawrocki to include entries for designating fax numbers as taught by Catron, so that fax calls made to voice numbers could be automatically routed to the corresponding fax number (“If a call is recognized as being a fax call, the fax caller may dial a conventional (voice) telephone station line and have that call connected automatically to a fax machine serving that station line instead of its telephone” at Catron column 2, line 20).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan K. Tyler whose telephone number is 571-270-1584. The examiner can normally be reached on M-F 7:30am - 5:00pm.

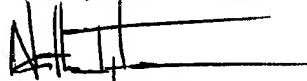
If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Brian Werner can be reached on 571-272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2609

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



BRIAN WERNER
SUPERVISORY PATENT EXAMINER



Nathan K Tyler
Examiner
Art Unit 2609